

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MIKE SETTLE)
)
v.) NO. 3:07-0401
) JUDGE CAMPBELL
RICKY BELL, et al.)

ORDER

Pending before the Court is a Report and Recommendation of the Magistrate Judge (Docket No. 83), to which no Objections have been filed. The Court has reviewed the Report and Recommendation and the file. As explained herein, the Report and Recommendation is adopted and approved in part and rejected in part.

The Report and Recommendation is adopted and approved with regard to Defendants' Motion for Summary Judgment (Docket No. 44), and that Motion is GRANTED. All claims in Plaintiff's Original Complaint (Docket No. 1) are DISMISSED.

The Report and Recommendation is adopted in part and rejected in part with regard to Defendant's Motion to Dismiss Amended Complaint (Docket No. 66). Defendant's Motion to Dismiss is GRANTED as to all claims of the Amended Complaint except Plaintiff's retaliation claim, and those claims are DISMISSED.

Defendant's Motion to Dismiss the retaliation claim against Defendant Schildkamp is recommitted to the Magistrate Judge, pursuant to 28 U.S.C. § 636 (b)(1)(C), for further analysis. For example, the Report and Recommendation does not identify the property at issue or apply the legal test to the specific facts alleged.

IT IS SO ORDERED.



TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE